

PHARMACY BOARD[657]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 147.76, the Board of Pharmacy hereby amends Chapter 18, “Centralized Prescription Filling and Processing,” Iowa Administrative Code.

The amendments define “mail order pharmacy” and require that a pharmacist providing central fill or central processing functions as an employee of a licensed pharmacy located in Iowa must be licensed to practice pharmacy in Iowa. The amendments also exempt a central fill pharmacy from the requirement to return a central fill prescription to the originating pharmacy for delivery to the patient if the central fill pharmacy is a mail order pharmacy and provide that a central fill or central processing pharmacy sharing a common central processing unit with an originating pharmacy may perform drug use review, subject to specific requirements of subrule 18.3(3), paragraph “b.”

Requests for waiver or variance of the discretionary provisions of these rules will be considered pursuant to 657—Chapter 34.

The amendments were approved during the June 3, 2008, meeting of the Board of Pharmacy.

The Board finds, pursuant to Iowa Code section 17A.4(2), that notice and public participation are impracticable due to the immediate need for these amendments in order to amend rules previously adopted but not yet effective. Emergency adoption of these amendments is necessary to ensure that the effective date of these amendments coincides with the effective date of rules Adopted and Filed in the March 26, 2008, Iowa Administrative Bulletin as **ARC 6671B** and whose effective date was subsequently delayed until July 9, 2008, by the Administrative Rules Review Committee at its April 4, 2008, meeting. Emergency adoption of these amendments eliminates the confusion that would be caused by establishment of differing requirements during the period of notice and comment. The effective date of the previously filed rules was delayed due to objections to provisions that allowed only the originating pharmacy to deliver central fill prescriptions and to the requirement that drug utilization review be performed only by a pharmacist at the originating pharmacy; those objections have been resolved by the amendments adopted herein.

The Board finds, pursuant to Iowa Code subsection 17A.5(2)“b”(2), that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments should be made effective on July 9, 2008. These amendments confer a benefit to pharmacies and the public by authorizing safe and practical processes for the outsourcing of prescription filling and processing activities. The Board made these amendments effective on July 9, 2008, so that the effective date of the previously filed rules will coincide with the effective date of these amendments, eliminating the confusion that would be caused by having conflicting requirements during the normal comment period.

These amendments are also published herein under Notice of Intended Action as **ARC 6870B** in order to allow for public comment.

These amendments will become effective July 9, 2008.

These amendments are intended to implement Iowa Code sections 155A.13 and 155A.13A.

The following amendments are adopted.

ITEM 1. Adopt the following new “Mail order pharmacy” in rule **657—18.2(155A)**:

“*Mail order pharmacy*” means a pharmacy located within a United States jurisdiction whose primary business is to dispense a prescription drug or device pursuant to a valid prescription drug order and to deliver the drug or device to a patient, including a patient in this state, via the United States Postal Service, a common carrier, or a delivery service. “Mail order pharmacy” includes a pharmacy that does business via the Internet or other electronic media.

ITEM 2. Amend paragraph **18.3(2)“c”** as follows:

c. Each pharmacist providing centralized prescription drug order processing or filling functions as an employee or agent of a central processing or central fill pharmacy located within Iowa shall maintain active licensure to practice pharmacy in Iowa.

ITEM 3. Amend subrule 18.3(3) as follows:

18.3(3) *Originating pharmacy responsibility.* ~~The~~ Except as specifically provided by this subrule, the originating pharmacy shall be responsible for all dispensing functions as the term “dispense” is defined in rule 18.2(155A). An originating pharmacy contracting only for centralized filling shall retain responsibility for all processing functions, and an originating pharmacy contracting only for centralized processing shall retain responsibility for all filling functions.

a. A mail order pharmacy engaged in the centralized filling of prescription drug orders may deliver a filled prescription directly to the patient and shall not be required to return the filled prescription to the originating pharmacy.

b. A central fill or a central processing pharmacy that shares a common central processing unit with the originating pharmacy may perform prospective drug use review (DUR) pursuant to rule 657—8.21(155A). Only a pharmacist shall perform the DUR; the review shall not be delegated to a pharmacy technician, registered nurse, or other pharmacy support person. The pharmacist performing the DUR shall document in the shared patient record all concerns, recommendations, observations, and comments resulting from that review. The pharmacist at the originating pharmacy shall utilize the DUR notes in counseling the patient pursuant to rule 657—6.14(155A).

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 7/2/08.